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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,530	10/24/2003	David L. Rieschick	291448-00136	2308

7590

01/12/2006

William F. Lang, IV  
Eckert Seamans Cherin & Mellott, LLC  
44th Floor  
600 Grant Street  
Pittsburgh, PA 15219

EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,530	RIESCHICK, DAVID L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show (1) **end plate 32** described on page 6 of the specification; and (2) **a plurality of apertures 57** described on page 7 of the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: (1) the recited "the top surface" in line 4 of claim 1 should be -- the top surfaces --. In particular, claim 1 calls for each belt to have a top surface. Thus, in the first set of vacuum belts there is a plurality of top surfaces. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the length" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites that the first set of vacuum belts further include a top plate. This limitation is confusing and appears to be inaccurate, in that it appears that it is the vacuum chamber that includes the top plate.

Regarding claim 2, it is noted that claim 1 recites **a rippler disposed between each of the first vacuum belts**, and then claim 2 recites that **the rippler** is an elongated member having a hook for securing the rippler to the top plate. In other words, claim 1 claims multiple rippers, and then claim 2 recites "the rippler". As such, it is confusing as to which rippler is referred to in claim 2.

Regarding claim 3, again, it is confusing as to which rippler is referred to in claim 3.

Claim 12 recites the limitation “the length” in line 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 12, it is confusing as to whether applicant is trying to claim only the rippler or the combination of the rippler and the deliverer.

Claim 15 recites the limitation “the direction” in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, MPEP, section 2173.05(p) states, “A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph.” *Id.* Claim 17 recites “The **method** according to claim 14, comprising: **providing** a deliverer, the deliverer comprising: a first set of vacuum belts... (emphasis added). On the other hand, claim 14 depends from claims 13 and 12, which are directed to the structure of a **ripler apparatus**. Since claim 17 claims both an apparatus and method steps of using the apparatus, claim 17 is indefinite.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, claim 17 is directed to neither a “process” nor a “machine,” but rather embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. See, MPEP, section 2173.05(p). Specifically, claim 17 recites both a process and a machine.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 20020121738.

Regarding claim 15, Figs. 1-5 disclose a method of transporting a paper sheet (24) from a sheeter to a stacker, the method comprising creating at least one ripple (38) in the paper sheet, with the ripple being substantially parallel to the direction of travel of the paper sheet (See Fig 2), thereby

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resisting any tendency of the paper sheet to bend or fly upward while being transported.

See also Abstract.

Regarding claim 16, Fig. 3. shows that the ripple (38) is created by passing the paper sheet over a ridge (adjacent to 36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20020121738 in view of the numbered paragraphs [0003] and [0004] in the background section of the instant application. The background section of the instant application has been considered admitted prior art.

Regarding claim 12, Figs. 1-4 of U.S. Patent Publication No. 20020121738 show a rippler (including 28 and 30) for a paper deliverer (10) for use with a paper sheeter, the deliverer having a first set of belts (22) in a first conveyer section (16), a second set of belts (22) in a second conveyer section (18) and a third set of belts (22) in a third conveyer section (20). These conveyer sections (16, 18 and 20) are arranged to be coplanar. See Fig. 4 and the numbered paragraph [0020] of U.S. Patent Publication No. 20020121738.

Also, the rippler (including 28 and 30) comprises a ridge (28) structured to be secured between a pair of adjacent first belts (22 and 22), and structured to cause a

paper passing over the rippler (including 28 and 30) to develop a ripple (38) substantially parallel to a direction of movement (MF) within the deliverer. See Fig. 2 for the ripple (38) that is formed parallel to the direction of movement of the sheet. As mentioned above, U.S. Patent Publication No. 20020121738 includes a plurality of conveyer sections with conveyer belts. Thus, U.S. Patent Publication No. 20020121738 does not specifically show first and second sets of vacuum belts and a vacuum roller, as claimed.

However, the numbered paragraph [0003] of the background section of the instant application discloses that it is well known to use a vacuum sheeter as an alternative to belts, in which the vacuum sheeter includes a first set of vacuum belts (line 4 of paragraph [0003]), each belt within the first set having a pair of ends with a pulley at each end (lines 1-2 of paragraph [0003]), and a plurality of apertures defined along the belt (line 3 of paragraph [0003]), a top surface (lines 2-3 of paragraph [0003]), and a vacuum chamber disposed below the top surface of the first set of vacuum belts (lines 2-3 of paragraph [0003]), structured to provide a suction through the apertures (lines 3-4 of paragraph [0003]);

a vacuum roller (line 5 of paragraph [0003]) disposed adjacent to one end of the first set of vacuum belts. The vacuum roller inherently defines a pair of ends. The vacuum roller defines a hollow interior (line 8 of paragraph [0003]), and at least one row of apertures (lines 6-7 of paragraph [0003]), each row of apertures extending axially down the length of the vacuum roller (lines 6-7 of paragraph [0003]), the vacuum roller



further comprising a drive means (line 14 of paragraph [0003]) and a vacuum fitting in communication with the hollow interior (line 8 of paragraph [0003]); and

a second set of vacuum belts (line 9 of paragraph [0003]) disposed adjacent to the vacuum roller (line 10 of paragraph [0003]), each belt within the second set having a pair of ends with a pulley at each end, and a plurality of apertures defined along the belt, and a top surface. See lines 9-10 of paragraph [0003] which explain that the second set of vacuum belts are similar to the first set but are moving at a slower speed. In addition, the numbered paragraph [0004] of the background section of the instant application clearly explains that using such a vacuum sheeter is beneficial because it eliminates jamming problems. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to replace the belt arrangement (i.e., conveyer sections 16, 18 and 20) of U.S. Patent Publication No. 20020121738 with the vacuum sheeter arrangement (i.e., first set of vacuum belts, vacuum roller, and second set of vacuum belts) of the numbered paragraph [0003] of the background section of the instant application, because this vacuum sheeter arrangement eliminates jamming problems, as taught by numbered paragraph [0004] of the background section of the instant application. Providing the first set of vacuum belts, the vacuum roller and the second set of vacuum belts of numbered paragraph [0003] in place of the aligned and coplanar belt arrangement in Fig. 4 of U.S. Patent Publication No. 20020121738, will result in the vacuum roller being substantially parallel to the pulleys of the first set of vacuum belts, and the second set of vacuum belts being coplanar with the first set of vacuum belts, as claimed.

***Allowable Subject Matter***

7. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 14 also need to be amended to overcome the 35 U.S.C. 112, second paragraph rejection of claim 12 above. Claims 1-11 would be allowable if amended to overcome the claim objections and the rejections under 35 U.S.C. 112, second paragraph above.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**